

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CASE NO. 04-10006-JGD

MICHAEL RODIO)
Plaintiff)
)
vs.)
)
R.J. REYNOLDS TOBACCO COMPANY)
Defendant)
_____)

**PLAINTIFF'S DISCLOSURES UNDER
RULE 26(a)(3) and LOCAL RULE 16.5(C)**

Plaintiff, MICHAEL RODIO, by and through counsel, and pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure and Local Rule 16.5(C), provides the following disclosures in the above-entitled matter:

- (a) The plaintiff will offer as Exhibits at trial:
1. Termination Letter issued to him by the defendant;
 2. Personal Performance Report issued to plaintiff by the defendant dated 9/10/02;
 3. List of State Minimum Prices for various brands of cigarettes, which was introduced at Richard Kane's Deposition as Exhibit 2;
 4. Decision of the Review Examiner of the Dept. of Employment & Training dated January 31, 2003;
 5. R.J. Reynolds "Field Sales Termination Report" dated 10/28/02, introduced as an Exhibit before the Dept. of Employment and Training;
 6. All Exhibits introduced at the hearing before the Dept. of Labor & Workforce, Division of Unemployment Assistance of the Commonwealth of Massachusetts, together with the transcript of the hearing before the Division of Employment & Training;
 7. All 36 photographs, copies of which were provided to defendant.
- (b) Plaintiff's witnesses will be:

1. The plaintiff, MICHAEL RODIO;
2. Carlo Fasciani, Richard Kane, and Gerald Deschenes, whom the plaintiff calls upon the defendant to produce at time of trial.
3. Manuel Viveiros, civil engineer, residing at 47 Norman Street, Fall River, MA; phone number 508-679-1106; who will testify to the distances from the various stores listed in defendant's Termination Letter to schools and playgrounds, with a map showing the distances to be used either as an Exhibit or a chalk.

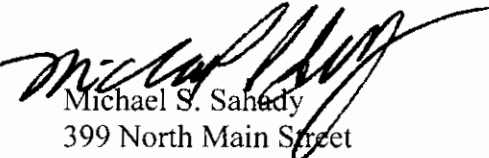
(c) Deposition testimony of the following witnesses:

Carlo Fasciani, Richard Kane, and Gerald Deschenes,

Respectfully submitted,

By his attorney,

SAHADY ASSOCIATES, P.C.


Michael S. Sahady
399 North Main Street
Fall River, MA 02720
(508) 674-9444

Dated: December 22, 2005

CERTIFICATE OF SERVICE

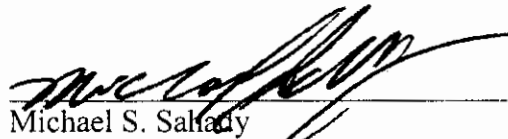
I, the undersigned, attorney for the plaintiff hereby certify under the penalties of perjury, that I have this day served the within document on defendant's counsels. Said service was made by mailing, postage prepaid, and by faxing a copy of same to:

W.R. Loftis, Jr., Esquire
Constangy, Brooks & Smith, LLC
100 N. Cherry Street, Suite 300
Winston-Salem, NC 27101

Fax #336-748-9112

Mark H. Burak, Esquire
Morse, Barnes-Brown & Pendleton, P.C.
Reservoir Place
1601 Trapelo Road
Waltham, MA 02451

Fax #781-622-5933


Michael S. Sahady
399 North Main Street
Fall River, MA 02720
508-674-9444

Dated: December 22, 2005